SENATE JOURNAL TWENTY-SIXTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present

Prayer – Mr. Art Tracy, Spiritual Advisor Advocate for Native American Adult and Youth Corrections

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 18)

DAILY SENATE JOURNAL

Mr. President:

February 12, 1999

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–five day and find it correct with minor amendments noted on the final copy.

Gene Davis Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 11, 1999

The House passed **H.B. 105**, REPEAL LEGISLATIVE TERM LIMITS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 165**, TRANSFER OF BRINE SHRIMP CERTIFICATE OF REGISTRATION, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.B. 255**, VEHICLE REGISTRATION RENEWAL REQUIREMENTS, by Representative K. Holdaway, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 105, H.B. 165**, and **H.B. 255** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 11, 1999

Day 26

The Human Services Committee deleted **S.B. 5**, MARRIAGE – MINIMUM AGE, by Senator S. Howell, and replaced it with **1st Sub. S.B. 5**, MARRIAGE – MINIMUM AGE, with the following amendments, and has tabled and returned it to the Rules Committee:

- 1. Page 2, Line 47: Delete "under 16" and insert "15"
- 2. Page 2, Line 52:
 After "minor" insert "who is 15 years of age"

Robert M. Muhlestein, Chair

Sub. S.B. 5, as amended, was tabled and returned to Rules Committee.

THIRD READING CALENDAR

H.B. 192, NATIVE AMERICAN REMAINS AND HISTORIC ARTIFACTS, was read the third time. On motion of Senator Suazo, the bill was circled.

* * *

H.B. 36, DRIVER LICENSE IDENTIFICATION, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hillyard
Howell	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Steele	Stephenson	Waddoups	

Absent or not voting were: Senators

Blackham Hellewell Spencer Suazo

Valentine Beattie

H.B. 36 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 45, SCHOOL BUS SAFETY, was read the third time. On motion of Senator M. Evans, the bill was circled.

* * *

H.B. 223, SPECIAL SERVICE DISTRICT BOND SECURITY, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hillyard
Howell	Hull	Julander	Knudson
Mansell	Mayne	Montgomery	Muhlestein
Nielson	Poulton	Steele	Stephenson
Valentine	Waddoups		

Absent or not voting were: Senators

Blackham	Hellewell	Jones	Peterson
Spencer	Suazo	Beattie	

H.B. 223, as amended, was transmitted to the House.

* *

H.B. 38, AUTHORITY TO CLOSE AREAS WITHIN STATE PARKS, was read the third time, explained by Senator Hull, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hillyard
Howell	Hull	Julander	Knudson
Mansell	Mayne	Montgomery	Muhlestein
Nielson	Peterson	Poulton	Spencer
Steele	Valentine	Waddoups	_

Absent or not voting were: Senators

Blackham	Hellewell	Jones	Stephenson
Suazo	Beattie		_

H.B. 38 was signed by the President of the Senate in open session and returned to the House.

H.B. 191, UTAH DIVISION OF INDIAN AFFAIRS AMENDMENTS, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hillyard
Howell	Hull	Jones	Julander
Knudson	Mayne	Montgomery	Muhlestein
Nielson	Peterson	Poulton	Spencer
Stephenson	Valentine	Waddoups	

Absent or not voting were: Senators

Blackham Hellewell Mansell Steele Suazo Beattie

H.B. 191 was signed by the President of the Senate in open session and returned to the House.

H.B. 196, REGULATION ON HUNTING COUGAR ON BEAR, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

Absent or not voting were: Senators

Blackham Peterson

H.B. 196, as amended, was transmitted to the House.

* *

H.B. 201, MOTOR VEHICLE DEALER FILINGS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Dmitrich
B. Evans	M. Evans	Hale	Hillyard
Howell	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddouns	Reattie	

Voting in the negative was: Senator

Davis

Absent or not voting was: Senator

Hellewell

H.B. 201 was signed by the President of the Senate in open session and returned to the House.

* *

- **H.B. 19**, PENALTIES FOR DRIVING UNDER THE INFLUENCE, was read the third time. Senator Muhlestein explained the bill. Senator R. Allen commented. On motion of Senator Muhlestein, the bill was amended as follows:
 - Page 1, Line 8: Delete "AND" and after "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"
 - 2. Page 3, Line 61:
 Delete "spend not less than 15 days" and insert "participate"
 - 3. Page 3, Line 77:
 Delete "spend not less than 30 days" and insert "participate"
 - 4. Page 4, Line 99:
 Delete "spend not less than 30 days" and insert "participate"

5. Page 4, Line 114:

After line 114 insert:

"(d) In addition to the penalties required under Subsection (6)(c), the court may require the person to participate in home confinement through the use of electronic monitoring in accordance with Subsection (13)."

Day 26

6. Page 7, Line 207:

After line 207 insert:

"Section 3. Coordination clause.

If this bill and H.B. 236, Driver License Hearing Process, both pass, it is the intent of the Legislature that the amendments to Subsection 41–6–44(6)(b) in this bill shall be deleted."

The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	Blackham	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

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Voting in the negative was: Senator

R. Allen

Absent or not voting was: Senator

Howell

H.B. 19, as amended, was transmitted to the House.

* * *

H.B. 171, STATE TRAFFIC AND PEDESTRIAN SAFETY COORDINATING COUNCIL, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale

Hellewell Hillyard Hull Jones Julander Knudson Mansell Mayne Montgomery Muhlestein Nielson Peterson Poulton Spencer Steele Stephenson Valentine **Beattie** Suazo Waddoups

Absent or not voting was: Senator

Howell

H.B. 171 was signed by the President of the Senate in open session and returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 12, 1999

The House passed **H.J.R. 12**, RESOLUTION SUPPORTING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 12** was read the first time.

SECOND READING CALENDAR

On motion of Senator Mansell, under suspension of the rules, **H.J.R. 12**, RESOLUTION SUPPORTING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION, was read the second and third times. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Nielson	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Beattie			•

Absent or not voting were: Senators

Davis Howell Muhlestein Stephenson

H.J.R. 12 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, Victor C. Tseng, Director General Taipei Economic and Cultural Office in San Francisco

THIRD READING CALENDAR

H.B. 225 was read the third time, explained by Senator Suazo, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	Hale	Hellewell	Hillyard
Howell	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

Absent or not voting were: Senators

Blackham M. Evans

H.B. 225 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 21 was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mayne
Montgomery	Spencer	Steele	Suazo
Beattie	•		

Voting in the negative were: Senators

Mansell	Muhlestein	Nielson	Peterson
Poulton	Stephenson	Valentine	Waddoups

S.B. 21 was transmitted to the House.

* * *

S.B. 89was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

Absent or not voting was: Senator

M. Evans

S.B. 89 was transmitted to the House.

* *

 ${\bf S.B.~100},$ was read the third time, explained by Senator , and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Jones	Julander
Mansell	Mayne	Montgomery	Muhlestein
Nielson	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Reattie			•

Beattie

Absent or not voting were: Senators

Howell Hull Knudson Stephenson

S.B. 100 was transmitted to the House.

* * *

- S.B. 66, STATEWIDE HIGHWAY CRITERIA, was read the third time. Senator Steele explained the bill. Senators Mansell, Beattie, and Waddoups commented. Senator Steele moved the following amendments:
 - 1. Remove amendments placed by Senator Mansell on Day 25

The motion to amend failed on a voice vote. The bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	Blackham	Davis	Dmitrich
B. Evans	M. Evans	Hellewell	Hillyard
Jones	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Beattie	

Voting in the negative were: Senators

R. Allen Hale Julander

Absent or not voting were: Senators

Valentine Howell Hull

S.B. 66, as amended, was transmitted to the House.

* * *

S.B. 116, APPROPRIATION FOR CHILDREN'S JUSTICE CENTERS, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Suazo	Waddoups
Beattie			•

Absent or not voting were: Senators

Howell Hull Stephenson Valentine

S.B. 116, was transmitted to the House.

* *

S.B. 127, CHANGES IN SUBDIVISION PLATS, was read the third time. On motion of Senator Nielson, the bill was circled.

* * *

S.B. 138, DESIGN BUILD OPTIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

Absent or not voting were: Senators

Hull Spencer

S.B. 138, as amended, was transmitted to the House.

* * :

S.B. 103, USE OF HIGH OCCUPANCY VEHICLE LANES, was read the third time, explained by Senator Mansell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	M. Evans	Hale	Hellewell
Hillyard	Howell	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

Absent or not voting were: Senators

B. Evans Hull

S.B. 103 was transmitted to the House.

* * *

S.B. 46, REPORTING OF VACANT STATE POSITIONS, was read the third time, explained by Senator Muhlestein, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Stephenson	Suazo	Valentine
Waddoung	Boattio		

Waddoups Beattie

Absent or not voting were: Senators

Dmitrich Hull Steele

S.B. 46 was transmitted to the House.

* * *

S.B. 118, PLUMBING CODE PROVISIONS, was read the third time Senator Waddoups explained the bill. Senators Spencer, B. Evans, Hillyard, Montgomery, Hellewell, Knudson, and Mayne commented. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

R. Allen	Davis	Dmitrich	M. Evans
Hale	Hellewell	Howell	Julander
Knudson	Mayne	Muhlestein	Nielson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups

Voting in the negative were: Senators

E. Allen B. Evans Hillyard Mansell

Montgomery Beattie

Absent or not voting were: Senators

Hull Blackham Jones

S.B. 118 was transmitted to the House.

* * *

On motion of Senator Steele, the Senate voted to recall **S.B. 66**.

CONCURRENCE CALENDAR

S.B. 65. IMPACT FEE ARBITRATION, was before the Senate. On motion of Senator Poulton, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Peterson	Poulton
Spencer	Stephenson	Suazo	Valentine
Waddouns	Reattie		

Waddoups Beattie

Absent or not voting were: Senators

Blackham Nielson Steele

S.B. 65 was returned to the House.

* * *

On motion of Senator Hillyard, Bingham Brass Quintet presented a special musical number with Matthew Swenson, Trumpet; Ryan Carver, Trumpet; Justin Sorenson, French Horn; Alex Earl, Trombone; Risa Ward, Tuba, in Committee of the Whole.

On motion of Senator L. Hillyard and at 12:15 p.m., the Senate adjourned until 10:00 a.m., Monday, February 15, 1999.

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112100	Read for the first time and referred to the Rules Committee	424
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Sub. H.B. 68 MUNICIPAL AND COUNTY NOTICE PROVISIONS (K. Holdaway)Read for the first time and referred to the Rules Committee370Assigned to standing committee454Placed on calendar548
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H.B. 165 TRANSFER OF BRINE SHRIMP CERTIFICATE OF REGISTRATION (<i>T. Hatch</i>) Read for the first time and referred to the Rules Committee
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3. 227 DOMESTIC VIOLENCE DISMISSAL AMENDMENT (A. Bradshaw)
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3. 228 MOTOR VEHICLE INSURANCE ON CERTAIN VEHICLES (G. Way)
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b. H.B. 229 STATE OLYMPIC COORDINATION AMENDMENTS (J. Tanner) Read for the first time and referred to the Rules Committee
3. 230 LIEN AMENDMENTS (J. Swallow) Read for the first time and referred to the Rules Committee
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3. 231 ACCESS TO ADOPTION RECORDS (D. Zolman) Read for the first time and referred to the Rules Committee
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3. 233 REVISOR'S STATUTE (S. Koehn)
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3. 235 PENALTY FOR DRIVE-BY SHOOTINGS (M. Dillree) Read for the first time and referred to the Rules Committee
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3. 236 DRIVER LICENSE HEARING PROCESS (N. Stephens)
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Circled
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3. 239 DELINQUENT FIRE PROTECTION DISTRICT FEES (D. Iverson)
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b. H.B. 240 DOMESTIC VIOLENCE DEFINITION AMENDMENT (B. Goodfellow) Read for the first time and referred to the Rules Committee
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H.B. 250 COLLECTION AGENCY AMENDMENTS (B. Ferry) Read for the first time and referred to the Rules Committee Assigned to standing committee	527 546
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H.B. 255 VEHICLE REGISTRATION RENEWAL REQUIREMENTS (K. Holdaway) Read for the first time and referred to the Rules Committee	583
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S.B. 2 1999 BOND BILL (B. Evans) Read for the first time and referred to the Rules Committee
S.B. 3 APPROPRIATIONS ACT II (D. Steele)
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S.B. 4 EXECUTIVE COMPENSATION (L. Hillyard) Read for the first time and referred to the Rules Committee
S.B. 5 MARRIAGE - MINIMUM AGE (S. Howell)
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33	Read for the first time and referred by the President of the Senate to the Rules Committee	Pand for
53 59	Assigned to standing committee	Acciona
91	Assigned to standing committee Committee report adopted and placed on calendar	Commit
. 132	Read the second time	Read the
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52	Assigned to standing committee	Assigne
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